

REMARKS

In the Office Action, the Examiner has acknowledged Applicant's election of SEQ ID NO:3 and further rejoined SEQ ID NOS:8 and 10.

Claims 4, 14, 15 and 21 have been withdrawn from consideration as being non-elected inventions. Further, claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph.

Claims 5, 16, 17 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Claims 6 and 7 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 1 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sugimura *et al.* (1981, "Studies on algal cytochromes. III. Amino acid sequence of cytochrome c-553 from brown alga, *Petalonia fascia*", *J. Biochem* 90(4):1213-1219; hereafter "*Sugimura*").

Claims 1-3, 6 and 18-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wang *et al.* (1992, "Temperature- and pH-dependent changes in the coordination sphere of the heme c group in the model peroxidase N^a-acetyl microperoxidase-8", *J. Biol. Chem.* 267(22):15310-15318; hereafter "*Wang*").

Claims 1-3, 6, 8-13 and 18-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Aron *et al.* (1986, "Hemes and hemoproteins. 1: Preparation and analysis of the heme-containing octapeptide (microperoxidase-8) and identification of the monomeric form in aqueous solution", *J. Inorg. Chem.* 27:27-243; hereafter "*Aron*").

Claims 1-6, 10-17 and 19-22 are herein cancelled without prejudice.

Claims 7, 8 and 18 are herein amended. No new matter has been introduced by the amendment.

Claims 7-9 and 18 are pending in the case.

Reconsideration of the present application in view of the foregoing amendments and the remarks below is respectfully requested.

Information Disclosure Statement (IDS)

The IDS filed January 17, 2007 was not considered because it had not been signed.

Applicants resubmit the IDS concurrently herewith for the Examiner's consideration.

Claim Rejection under 35 U.S.C. § 112

Claims 6 and 7 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claim 6 is herein cancelled without prejudice. Accordingly, the rejection of this claim is now moot.

Claim 7 is herein amended to delete non-elected subjects matter.

Accordingly, Applicants respectfully request that the rejection of claim 7 under 35 U.S.C. § 112, second paragraph, as being indefinite, be withdrawn.

Claim Rejections under 35 U.S.C. § 102

(1) Claims 1 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Sugimura*.

Claim 1 is herein cancelled without prejudice and, therefore, the rejection of this claim is now moot.

Claim 18 is herein amended to dependent from claim 7.

Accordingly, the rejection of claim 18 under 35 U.S.C. § 102(b) as being anticipated by *Sugimura* should be withdrawn.

(2) Claims 1-3, 6 and 18-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Wang*.

Claims 1-3, 6, 19 and 20 are herein cancelled without prejudice and, therefore, the rejection of these claims are now moot.

Claim 18 is herein amended to depend from claim 7.

Accordingly, the rejection of claim 18 under 35 U.S.C. § 102(b) as being anticipated by *Wang* should be withdrawn.

(3) Claims 1-3, 6, 8-13 and 18-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Aron*.

Claims 1-3, 6, 10-13, 19 and 20 are herein cancelled without prejudice and, therefore, the rejection of these claims are now moot.

Claims 8 and 18 are herein amended to depend from claim 7, respectively, and, therefore, the rejection of claims 8, 9 and 18 under 35 U.S.C. § 102(b) as being anticipated by *Aron* should be withdrawn.

In view of the foregoing amendments and the remarks, Applicants believe all the pending claims are now in condition for allowance, an early notification of which is earnestly requested.

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Respectfully submitted,

Electronic Signature: /Izumi Yokoyama, Ph.D./
Izumi Yokoyama, Ph.D.

Registration No.: 60,351
DICKSTEIN SHAPIRO LLP
1177 Avenue of the Americas
New York, New York 10036-2714
(212) 277-6500
Attorney for Applicants

IY/mgs